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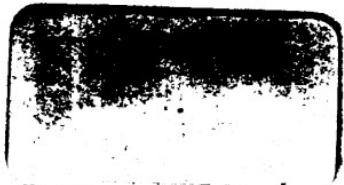
Legislature

Instructions Respecting Private Bills

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INSTRUCTIONS

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RESPECTING THE FORMALITIES AND PRINCIPAL
RULES TO BE OBSERVED.

IN OBTAINING THE PASSING OF A

PRIVATE BILL

BY THE

LEGISLATURE OF THE PROVINCE OF QUEBEC.



LEVIS
MERCIER & CO., PRINTERS
1885

NOTICES FOR PRIVATE BILLS

MUST BE SENT TO

C. F. LANGLOIS, Esq.,

PRINTER TO HER MOST EXCELLENT MAJESTY THE QUEEN

QUEBEC.

General Assembly of Quebec

INSTRUCTIONS

RESPECTING THE FORMALITIES AND PRINCIPAL
RULES TO BE OBSERVED.

IN OBTAINING THE PASSING OF A

PRIVATE BILL

BY THE

LEGISLATURE OF THE PROVINCE OF QUEBEC.



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The following pages are published for the purpose of answering the requests for information yearly sent to the Clerk of the Legislative Assembly, by the persons wanting to have a *Private Bill* passed by the Legislature of the Province of Quebec.

It must not be expected that in these few remarks, which are intended only to indicate the principal formalities to be observed in passing a *Private Bill*, will be found the distinction to be made as to jurisdiction in *Private Legislation*, respecting Bills which fall under the exclusive control of the *Parliament of Canada*, and those under that of the Legislature of the Province of Quebec.

That which can at the outside be required in notes of this nature is an indication of the distinction between a *Public Bill* and a *Private Bill*.

Although it may be seen that article 51 gives the chief subjects of *Provincial Legislation*, it may be perhaps useful to give some explanations and precedents.

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PUBLIC BILLS and PRIVATE BILLS.

A Public Bill is a measure of public policy, one in which the whole community is interested ; such are Bills relating to general measures of police, juries, the establishment and maintenance of courts of justice and registry offices, &c., &c.

Measures relating to the bar, the Notarial profession, the Medical profession and the incorporation of Dentists and Surveyors and others of the same kind were declared Public Bills ; viz : the following example.

"The 30th March 1885, Mr. Speaker called the attention of the House to the Bill relating to the Pharmaceutical Association and to regulate the sale of drugs and poisons : this Bill presented as a *Private Bill* was declared to be a *Public Bill*.

(See *English Journals of the Legislative Assembly*, page 81, 1885). *

" Every bill for the particular interest or " benefit of any person or persons, is treated in " Parliament, as a *Private Bill*. Whether it be " for the interest of an individual, a public comp- " any or corporation, a parish, a city, a county " or other locality ; it is equally distinguished " from a measure of public policy, in which the " whole community are interested ; and this " distinction is marked by the solicitation of " *Private Bills*, by the parties themselves whose " interests are concerned." *

* May Parliamentary Pr

Here are a few examples taken from a great many.

On the 23rd July 1880, Mr. Speaker ruled that the bill *to divide the registration division of Three Rivers in two*, having been presented as a *Public Bill* was not in order, in as much as it was a *Private Bill*, and should come within the perview of the 51st Rule requiring Notice, &c

Measures are sometimes treated as *hybrid Bills*, so called because they partake both of a public and private character; *Public*, because of the large interests concerned: *Private*, because they also interfere with private property or rights.

On the 27th April 1885, Mr. Speaker declared that the *Bill to detach certain lots of land from the parishes of St. Victor of Tring and St. Ephrem of Tring, and to annex them to the parish of Sacré - Cœur of Jésus, of Broughton for civil, religious and school purposes* relates essentially to a matter of private interest and ought to have been presented as a *Private Bill* and not considered as a *Public Bill*.

The *Bill to annex a certain portion of the Municipality of the parish of St. Damase, in the County of St. Hyacinthe, to the Municipality of St. Jean Baptiste, in the County of Rouville* is presented and passed as a *Private Bill*, with all

ALL APPLICATIONS FOR PRIVATE BILLS REQUIRE NOTICE.

51. All applications for Private Bills, properly the subject of legislation by the Legislature of Quebec, within the purview of "The British North America Act, 1867," whether for the erection of a Bridge ; the making of a Railway, Tramway, Turnpike Road, Telegraph or Telephone Line ; the construction or improvement of a Harbour, Canal, Lock, Dam, Slide, or other like work ; the granting of a right of Ferry ; the incorporation of any particular Trade or Calling, or of any Joint Stock Company ; the incorporation of a City, Town, Village or other Municipality ; the levying of any local Assessment ; the division of any Municipality, or of any County for purposes other than that of Representation in the Legislature the removal of the site of a County Town or of any local Offices ; the re-survey of any Township, or of any Township Line or Concession ; or of granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or which relate to any particular class of the community ; or for making any amendment of a like nature to any existing Act,—

shall require a Notice clearly and distinctly specifying the nature and object of the application.

2. Such notice, except in the case of existing Corporations, shall be signed on behalf of the applicants, and shall be published in the "Quebec Official Gazette," in the English and French languages, and in one newspaper in the English and in one newspaper in the French Language, in the District affected ; and in default of either of such newspapers in such District, then in a similar newspaper published in an adjoining District.

3. Such Notice shall be continued, in each case, for a period of at least one month during the interval of time between the close of the preceding Session and the consideration of the Petition ; and copies of the newspaper containing the first and last insertion of such notice shall, be sent by the parties who inserted such notice to the Clerk of the House, to be filed in the office of the Committee on Standing Orders ¹.

52. In the case of an intended application for a PRIVATE BILL for the erection of a Toll-bridge, the person or persons intending to petition for such BILL, shall in the NOTICE prescribed by the preceding Rule, specify the *rates* which they

intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers, for the passage of rafts and vessels, and also whether it is intended to erect a drawbridge or not, and the dimensions of the same.

PETITIONS FOR PRIVATE BILLS.

56. ALL PRIVATE BILLS shall be introduced on PETITION, and presented to the House upon motion for leave, after such Petition has been favourably reported on by the Committee on Standing Orders.

Every PETITION should specify and clearly express the particular object the petitioner has in view.

Three copies of every Petition soliciting a *Private Bill* are required as follows:

One for His Honor the Lieutenant-Governor.

One for the Legislative Council and *One* for the Legislative Assembly.

(See forms Page 19, 20, 21)

85. Petitions may be either written or printed in English or French. If there are more than two petitioners, the signatures of at least three shall be subscribed on the sheet containing the PETITION.

Every Petition is to be fairly written or printed without interlineation or erasure by leaving a margin of one inch and a half on the left and of half an inch on the right of the foolscap paper on which it is written or printed :

Such Petition should begin as follows :

The Petition of the undersigned A. B. of
the of the

Humbly sheweth :

That (here state the object of the Petitioner in soliciting an Act.)

The Petitioner (or Petitioners) will state the subject matter of the Petition, *in the third person* throughout and commencing each paragraph with the word *That*.

Every petition is required to contain a prayer.

This prayer should conclude as follows :

Wherefore your petitioner humbly prays that Your Honor or Honorable Council or Honorable Assembly may be pleased to grant the passing of an Act to

And, as in duty bound, your Petitioner will ever pray.

(Signature),

(L. S.)

Every Petition is required to be signed by the parties whose names are appended thereto by their sign manual or marks, and by no one else except in case of incapacity by sickness.

The signatures are required to be written upon the petition itself and not pasted or otherwise transferred thereto.

No reference may be made in a petition to any debate in the Legislature.

It is highly unwarrantable, and a breach of the privileges of this House for any person to set the name of any other person to any Petition to be presented to the House.

85. Petitions may be either written or printed in English or French ; if there are more than two petitioners, the signatures of at least three shall be subscribed on the sheet containing the prayer of the PETITION.

49 No PETITION for any PRIVATE BILL shall be received, after the FIRST TWO WEEKS of the Session. No PRIVATE BILL shall be introduced after the first THREE WEEKS of the Session. No REPORT of any STANDING OR SELECT COMMITTEE uppn a PRIVATE BILL shall be received after the FIRST FOUR WEEKS of he Session.

2. No Motion for the general suspension or modification of this Rule, for the Session, shall be entertained, unless it has been referred, at a previous Sitting of the House, to the COMMITTEE ON STANDING ORDERS and to the Standing Committees charged with the consideration of PRIVATE BILLS, except a recommendation for that purpose has been previously made by two or more of SUCH COMMITTEES.

ORDERS, which shall report in each case whether the Rules with regard to NOTICE have been complied with. In every case where the NOTICE shall prove to have been *insufficient*, either as regards the PETITION as a whole, or any matter therein which ought to have been **SPECIALLY REFERRED TO IN THE NOTICE**, the Committee is to recommend to the House the course to be taken in consequence of **SUCH INSUFFICIENCY OF NOTICE**.

54. ALL PRIVATE BILLS from the Legislative Council, (not being based on a PETITION which has already been so reported on BY THE COMMITTEE ON STANDING ORDERS,) shall, after their First Reading, be referred to such Committee.

55. No Motion for the SUSPENSION of any of the Rules with respect to any Petition for a *Private Bill* shall be entertained, until the same has been reported upon by the COMMITTEE ON STANDING ORDERS.

56. ALL PRIVATE BILLS shall be introduced on Petition, and presented to The House upon motion for leave, after such Petition has been favourably reported on by the COMMITTEE ON STANDING ORDERS.

Bills for the incorporation of TOWNS or of JOINT STOCK COMPANIES, or of Railway Companies, shall contain, IN ADDITION to the special and absolutely necessary clauses, ONLY SUCH PROVISIONS AS MAY

General Clauses Act, or from *The Quebec Consolidated Railway Act*, 1880, as the case may be, but shall specify IN EACH SPECIAL INSTANCE the CLAUSE of the general act which is sought to be departed from, and shall replace the same by a NEW CLAUSE. Special GROUNDS shall be set forth in the PETITION for the introduction of such new provisions.

BILLS for amending existing Acts shall be framed so as to replace clauses sought to be amended BY NEW CLAUSES, INDICATING THE AMENDMENTS BETWEEN BRACKETS.

Every Bill to authorise admission to the practice of the profession of Advocate, Notary, Physician, Surveyor, Chemist or Dentist, shall contain a statement, IN THE PREAMBLE that such Bill has been approved by the BOARD OR COUNCIL of the profession which the petitioner desires to enter.

BILLS which are not framed in accordance with this rule shall be re-cast by the promoters and reprinted at their expense.

This rule shall be published in the *Quebec Official Gazette*, with the Notice respecting Private Bills,

The Committee on Standing Orders shall ascertain and report whether BILLS fall under the provisions of this rule, and if so, whether it has been complied with; and all BILLS, subject to the provisions of this rule, shall be read the First Time only when its requirements have been complied with.

58. ANY PERSON seeking to obtain ANY PRIVATE BILL giving ANY EXCLUSIVE PRIVILEGE OR PROFIT, OR PRIVATE OR CORPORATE ADVANTAGE, OR for any amendment of any existing Act, shall deposit WITH THE CLERK OF THE HOUSE, EIGHT DAYS BEFORE THE OPENING OF THE SESSION, A COPY OF SUCH BILL in the ENGLISH OR FRENCH LANGUAGE, and shall at the same time deposit WITH THE ACCOUNTANT OF THE HOUSE A SUM SUFFICIENT to pay for printing ~~400~~ copies in ENGLISH and 500 copies in FRENCH, and ALSO \$2 PER PAGE of printed matter for the translation and FIFTY CENTS per page for correcting and revising the printing. The translation shall be made by the OFFICERS OF THE HOUSE and the PRINTING SHALL BE DONE BY THE CONTRACTOR.

\$1200 -
1. The Applicant shall also pay to the ACCOUNTANT of the House a sum of ~~100~~ 00, and furthermore the cost of printing the Bill for the Statutes, and shall lodge the receipt for the same with the Clerk of the Committee to which such Bill is referred. Such payments shall be made immediately AFTER THE SECOND READING and before the consideration of THE BILL by such Committee.

3. No Fee shall be payable on Private Bills from the Legislative Council ; BUT THE COST OF

charged with the consideration of Bills of its class : Bills relating to Railways, Tramways, Canals, Telegraphs, Telephones, and Mining and Manufacturing Companies, to the Committee on Railways, and Bills not coming under these classes to the Committee on Private Bills. All petitions for or against a Bill are referred, as of course, to the same Committee as the Bill.

60. No Committee to which any Private Bill originating in this House may be referred, is to consider the same until after THREE CLEAR DAYS' NOTICE of the sitting of such Committee has been first affixed in the Lobby ; nor, in the case of any such Bill originating in the Legislative Council, until after ONE CLEAR DAY's like NOTICE.

2. On the day of the posting of the NOTICE, the Clerk of The House shall cause a NOTICE of such posting to be appended to the printed Votes and Proceedings of the day.

3. A copy of the BILL, containing any amendments proposed to be submitted by the promoters, must be deposited in the Private Bill Office ONE CLEAR DAY before the consideration of the Bill by the Committee.

61. All persons whose interests or property may be affected by any Private Bill, shall, when

Committee to which any Bill for incorporating a Company may be referred, may require proof that the persons whose names appear in the Bill as composing the Company are of full age and in a position to effect the objects contemplated, and have consented to become incorporated.

62. All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman has a Second or Casting Vote.

63. It is the duty of the Committee to which any Private Bill may be referred to call the attention of The House specially to any provision inserted in such Bill that does not appear to be in accordance with the notice for the same, as reported upon by the Committee on STANDING ORDERS.

64. The Committee to which a Private Bill may have been referred, shall, in every case, report the same to The House; and when any MATERIAL ALTERATION has been made in the PREAMBLE, such alteration and the reasons for the same are to be stated in the Report.

65. When the Committee to which any Private Bill has been referred report that the PREAMBLE of such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision. No

2. Private Bills, otherwise reported to, The House by such Committee, shall be placed on the Order Paper for the sitting following the reception of the Report, for consideration in Committee of the Whole House, in the order in which they are reported.

66. The Chairman of the Committee shall sign, with his name at length, a printed copy of the Bill, on which the Amendments are fairly written, and shall also sign, with the initials of his name, the several Amendments made and Clauses added in Committee. Another copy of the Bill, with the Amendments written thereon, shall be prepared and certified by the Clerk of the Committee, and attached to the Report.

67. No important Amendment may be proposed to any Private Bill in a Committee of the Whole House, or at the Third Reading, unless one clear day's previous Notice of the same shall have been given.

68. When *any Private Bill* is returned from the Legislative Council with Amendments other than formal, such Amendments are, previous to their Second Reading, referred to the Standing Committee to which such Bill had been originally referred.

69. Except in cases of urgent necessity, no Motion for the suspension or modification of any of the Rules with respect to *any Private Bill* shall

70. A Book, to be called the *Private Bill Register*, shall be kept, in which Book shall be entered by a clerk appointed for that business by the Clerk of The House, the name, description and place of residence of the parties applying for every Private Bill, or of their Agent, and all the proceedings thereon, from the Petition to the passing of the Bill. The entries shall specify briefly each proceeding in The House or in any Committee to which the Petition or the Bill may be referred, and the days on which any such Committee is appointed to sit. Such Book shall be open to public inspection daily, during office hours. /

71. The Clerk of The House shall cause lists of all Petitions for *Private Bills* and of all Private Bills upon which any Committee is appointed to sit, to be prepared daily by the Clerk of the Committee to which such Petitions or Bills are referred, specifying the time of the meeting and the room where the Committee shall sit. The Clerk of The House shall cause the same to be hung up in the Lobby.

72. Every PARLIAMENTARY AGENT conducting proceedings before the Legislative Assembly shall be personally responsible to The House and to The Speaker, for the observance of the rules and of Parliamentary practice and usages, and of the Rules prescribed by The Speaker, and also for the payment of all fees and charges. No person shall act as PARLIAMENTARY AGENT until he shall

have received the express sanction and authority
of The Speaker.

73. Any Parliamentary Agent who shall wilfully act in violation of Parliamentary Rules and usages, or of any Rules prescribed by The Speaker, or who shall wilfully misconduct himself in prosecuting and proceedings before The House, shall be liable to an absolute or temporary prohibition to practice as such Agent, at the pleasure of the Speaker ; provided that, upon the application of such Agent, The Speaker shall state in writing the ground for such prohibition.

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TO

His Honor

THE LIEUTENANT-GOVERNOR

OF THE PROVINCE OF QUEBEC.

The Petition of the undersigned A. B. or the
undersigned A. B., C. B., O. B.,
(State the object of the petitioner in soliciting the
Act.)

Humbly sheweth. That _____

AT THE END PUT.—Wherefore your petitioner
humbly prays that Your Honor may be pleased
to sanction the passing of an Act (for the purpose,
&c., &c.) (Here give the title of the Act.)

And, as in duty bound, your petitioner will
ever pray.

(Signed) : A. B. or A. B.

C. B.

O. B.

(L. S.)

Date

To the Honorable
LEGISLATIVE COUNCIL

OF THE PROVINCE OF QUEBEC,

IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned A. B. (*or the
undersigned* A. B., C. B., O. B.,)
here state the object of the petitioner in soliciting
the Act.

Humbly sheweth. That _____

AT THE END PUT.—Wherefore your petitioner
humbly prays that Your Honorable House may
be pleased to pass an Act for the (Here give the
title of the Act.)

And, as in duty bound, your petitioner will
ever pray.

(Signed) : A. B. or A. B.
C. B.
O. B.

(L. S.)

Date.

Seal if the petition is made by a corporation,

Note.—There must be at least three signatures on this page, if the petitioners exceed two.

To the Honorable
LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF QUEBEC,

IN PARLIAMENT ASSEMBLED.

The Petition of the Undersigned A. B. (or the
undersigned A. B. C. B. O. B.
(here state the object of the petitioner in soliciting
the Act.)

Humbly sheweth. That

AT THE END PUT:—Wherefore your petitioner
humbly prays that Your Honorable House may
be pleased to pass an Act for (Here give the title
of the Act.)

And, as in duty bound, your petitioner will
ever pray.

(Signed) : A. B. or A. B.
C. B.
O. B.

(L. S.)

Date.

1 Seal if the petition is made by a corporation.

Note.—There must be at least three signatures on this page, if the peti-
tioners exceed two.

NOTICE

Any person wishing for copies of either Public or Private Bills must apply to G. de Boucherville, Esq., Clerk of the Legislative Council or to C. A. Parisault, Esq., Law Clerk, and send the amount required to pay the cost of such copy of Bill and certificate.

NAMES OF THE OFFICERS

OF THE

LEGISLATIVE ASSEMBLY

OF WHOM MENTION IS MADE IN THE RULES QUOTED IN THE ABOVE PAGES.

LOUIS DELORME,
CLERK.

EDOUARD LEMOINE,
Clerk of Private Bills.

CHARLES DELAGRAVE,
Assistant Clerk of Private Bills.

BUTEAU TURCOTTE,
French Translator.

CRAWFORD LINDSAY,
English Translator

LAURENT SIMONEAU,
Accountant.

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